



instant application shall be enforceable only for and during such period that it and any patents granted on the co-pending applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

Hiatt and Rose are the owners of the entire right, title and interest in the instant application and in copending U.S. Patent Application Serial Nos. 08/300,484, 08/486,535, 08/486,536 and 08/486,897 by virtue of an Assignment from the inventors to Rose-Hiatt Biotechnology Partnership of 8445 Camino Sante Fe, San Diego, California 92121 recorded on June 7, 1995 on Reel 7529 at Frame 00334, and the subsequent Assignment of the entire right, title and interest in the application from Rose-Hiatt Biotechnology Partnership to Hiatt and Rose recorded on May 28, 1997 on Reel 8551 at Frame 0714.

This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owners do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any patents granted on the co-pending applications as presently shortened by any terminal disclaimer, in the event that any patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The Examiner is authorized to charge the statutory fee of \$55.00 and any other fees due and owing to our Deposit Account No. 12-1095.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false

statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

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